



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY  
WET 2004-26

July 16, 2004

Samuel Cavallaro  
245 Bean Road  
Warner NH 03278

RE: DES Wetlands File #1999-00987 Rattlesnake Island, Alton

Dear Mr. Cavallaro:

On May 14, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Alton Tax Map 75-67 as Lot 106 (the "Property"). On July 28, 1999, Wetlands and Non-site Specific Permit # 1999-987 (the "Permit") was issued for the installation of a 6' x 30' seasonal pier, 4' x 6' concrete pad, 6' x 16' walkway along the shore, 4' wide stepped access on the bank and 3 tie-off pilings on the Property. The Permit specified that all work should be conducted in accordance with plans received by DES on 05/26/99 (the "Plans"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

- The pier authorized by the Permit was located approximately 16 feet east of the location specified by the Plans and was bolted to an existing boulder on the frontage. The pier measured 6'5" X 30' which is 5" wider than authorized by the Permit and Plans. It did not appear to be seasonal. The pier is still located greater than 20 feet from the nearest abutting property. The 4'x 6' concrete pad authorized by the Permit was not installed because the existing boulder provided an attachment point for the pier.
- 2 A 5'2" x 3' wooden walkway to access the relocated pier was installed between the pier and the steps leading lakeward from an approximately 6' x 16' deck on shore (the "Deck"). The Permit and Plans did not authorize the 5'2" x 3' walkway to access the pier. Instead, the Permit and Plans authorized a westward extension of the Deck to provide access to the pier. During the inspection, DES personnel observed that the Deck was extended westward but that it does not provide access to the pier because the pier is located east of it. DES personnel observed chairs and a small storage shed on the extended portion of the Deck during the inspection, indicating that it is functioning as a

sitting and storage area.

- 3 A 7'7" x 7'6" stair landing was installed in Lake Winnepesaukee at the base of the steps leading down to the pier. The stair landing was supported by wooden crossbeams on the rocks below it. The stair landing was not authorized by the Permit or shown in the Plans.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit the following materials to DES for review:

- a. A dated plan, dimensioned or drawn to scale, showing existing conditions on the Property. The "existing conditions" plan should include: all structures on the frontage located less than 30 feet from normal high water (elevation 504.32 on Lake Winnepesaukee), the location of each structure relative to other structures on the frontage, the distance from each structure to normal high water and the distance from each structure to the nearest property line;
- b. A plan, dimensioned or drawn to scale, showing the removal of all portions of the Deck not used as access to the pier (the section located west of the steps to the pier), the removal of the 7'7" x 7'6" stair landing in Lake Winnepesaukee, and how the remaining structures on the frontage will be brought into compliance with RSA 482-A, the Wetlands Law and Wetlands Rules Wt 100-800. The "proposed conditions" plan should include: any proposed modification or relocation of structures on the frontage located less than 30 feet from normal high water (elevation 504.32 on Lake Winnepesaukee), the proposed location of each structure relative to other structures on the frontage, the proposed distance from each structure to normal high water and the proposed distance from each structure to the nearest property line;
- c. A description of the construction sequence including: materials and methods proposed for completion of the work, a description of how the site will be accessed, and a timeframe for completion of the work; and,
- d. A description of how the pier is removed during the non-boating season. If the pier is not seasonal, please submit plans showing how you propose to modify the pier to allow it to be removed for the non-boating season.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is not done in accordance with the permit or is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner will be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

D. Forst, Shoreland Program Supervisor  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,



D. Forst  
Shoreland Program Supervisor  
Wetlands Bureau

CERTIFIED MAIL 7003 2260 0005 9209 9239

cc: Rene Pelletier, Manager, Land Resources Management Program.  
Gretchen R. Hamel, Administrator, DES Legal Unit—  
Alton Conservation Commission  
Alton Board of Selectmen  
USACOE  
Lakeshore Construction, Inc.